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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

CASE NO.: BK-N-15-51635-btb  
Chapter 11

WATTENBERG OIL & GAS  
INVESTMENT GROUP, LLC ,

Debtor.

**DECLARATION OF DONALD KEITH  
MOONEY EMERGENCY MOTION: (1) TO  
APPOINT INTERIM CHAPTER 11  
TRUSTEE FOR GAP PERIOD; (2) TO  
APPOINT PERMANENT TRUSTEE UPON  
ENTRY OF AN ORDER OF RELIEF; (3) TO  
AUTHORIZE INTERIM CHAPTER 11  
TRUSTEE TO SEIZE MANAGEMENT AND  
CONTROL OF ELITE ENERGY  
ENGINEERING, LLC; AND (4) FOR ORDER  
BARRING JOHN ASTENGO AND JOHN W.  
POWELL FROM INTERFERRING WITH  
BUSINESS OPERATIONS**

Hearing Date: TBD  
Hearing Time: OST Requested

DONALD KEITH MOONEY, under penalty of perjury, states as follows:

1. I am the Trustee of the Arkansas Urology, PA PSP & 401k, and in that capacity I am a petitioning creditor in this involuntary Chapter 11 case.
2. Pre-petition, I loaned \$2,000,000 to Debtor Wattenberg Oil & Gas Investment Group, LLC ("Debtor").
3. Debtor is primarily a holding company, with its most significant asset being 100%

1 of the membership interest in Elite Energy Engineering, LLC (“EEE”).

2 4. EEE is an energy management and manufacturing company that specializes in  
3 cogeneration. Cogeneration is a method of generating multiple forms of usable energy at the same  
4 time. EEE specializes in a form of cogeneration called combined heat and power or CHP for  
5 short. CHP increases efficiency by using waste heat to generate hot water for use in boilers, water  
6 heaters, etc. EEE manufactures EnviroGen Energy Modules, which are self-contained micro power  
7 plants with minimal noise and emissions deliver highly reliable levels of ultra-clean combined heat  
8 and power.

9 5. EEE is located in Carson City, Nevada. EEE’s manufacturing and engineering  
10 facility includes a 33,000 square-foot custom fabrication and production facility, and a 20,000  
11 square-foot precision sheet metal fabrication shop.

12 6. Pre-petition, the management of Debtor and EEE was vested with John Astengo  
13 and John Powell. Mr. Astengo and Mr. Powell used the Debtor as a vehicle to raise capital for the  
14 acquisition and operation of EEE.

15 7. I have recently learned that Mr. Astengo and Mr. Powell have apparently  
16 abandoned the Debtor and EEE. I have spoken to employees of EEE and learned that EEE has not  
17 paid its employees, taxes or rent for many months. The total arrears in rent, payroll, benefits and  
18 taxes now exceed \$200,000. In addition, it appears hundreds of thousands of dollars that were  
19 recently loaned to Debtor are now unaccounted for, and there are no books and records adequately  
20 tracing the millions of dollars raised by Debtor.

21 8. Despite the harm already done by Mr. Astengo and Mr. Powell, I believe EEE still  
22 has the potential to be a profitable and successful business.

23 9. The other petitioning creditors and I are aware that additional capital will be  
24 necessary to preserve EEE’s assets and business. We are in the process of attempting to obtain  
25 financing to be used by a trustee in this case to manage and operate EEE.

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DATED this 16<sup>th</sup> day of December, 2015.

DONALD KEITH MOONEY